

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



June 18, 1990

ALL-COUNTY LETTER NO. 90-50

TO: ALL-COUNTY WELFARE DIRECTORS

SUBJECT: IN-HOME SUPPORTIVE SERVICES (IHSS) POLICY WHEN THE
APPLICANT/RECIPIENT'S LIVING SITUATION MAY REQUIRE A
COMMUNITY CARE LICENSE

REFERENCE: MPP Sections 30-753 (w) and 30-755.11; ACIN
No. 1-10-87; and IHSS Case Management Information
and Payrolling System (CMIPS) Manual

The question of County authority when in the County's judgment the applicant/recipient is not in his/her own home has recently been raised. This All-County Letter is intended to clarify IHSS policy on County authority in this situation.

A condition of eligibility for IHSS is that the applicant/recipient must be living in his/her own home (Manual of Policies and Procedures (MPP) Section 30-755.11). An All-County Information Notice (ACIN) 1-10-87 was issued on February 10, 1987 to reinforce this understanding and to restate MPP Section 30-753 (w), which identifies exclusions from the definition of own home and also states that a person receiving a Supplemental Security Income/State Supplemental Program (SSI/SSP) payment for a nonmedical out-of-home living arrangement is not eligible to receive IHSS.

The situations described below are to be followed accordingly:

1. When an IHSS applicant is in a living situation which in the County's judgment is not his/her own home, the County should deny the application. When an IHSS recipient is in a living situation which in the County's judgment is not his/her own home, the County should discontinue IHSS services. The basis of the County's judgment should be MPP Sections 30-755.11 and 30-753 (w) as well as the appropriate Community Care Licensing regulations. In the notice of action (NOA), the County should use the appropriate NOA language as contained in the CMIPS manual.

2. If the County is uncertain if an IHSS recipient's or applicant's current living situation should be considered his or her home, the County should make a referral to the Community Care Licensing Division (CCLD) to determine whether licensing is required. If CCLD determines that the facility should be licensed, IHSS benefits should be discontinued to the recipient or in the case of the applicant, the IHSS application denied.

If you have any questions regarding this information, you may contact your Adult and Family Services Consultant at (916) 322-6320.

Sincerely,



LOREN D. SUTER
Deputy Director
Adult and Family Services

cc: CWDA